



SWANK ENTERPRISES/ GENERAL CONTRACTORS

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VALIER, MONTANA 59486

September 25, 2009

RECEIVED

SEP 28 2009

D.N.R.C.

Mary Sexton
State of Montana, Dept. of Natural Resources & Conservation
Trust Land Management Division
1625 Eleventh Avenue
P.O. Box 201601
Helena, Montana 59620-1601

Dear Ms. Sexton,

I have read your letter to Senator Barkus explaining why you do not feel Swank Enterprises is entitled to the \$600,000 the legislature approved to pay their share of the remediation and clean-up at the KRY state superfund site.

Your assessment of Swank's position doesn't make any sense as the DNRC's position is exactly the same as ours. We both signed the same settlement agreement and the legislature provided funds to both of us from the same fund to pay for clean-up.

The legislation HB2 provides funds to a potentially liable party who did not contribute anything to the contamination and this is only us. All other parties have been excused from financial liability except BNSF and DNRC who did contribute.

I hope you could rethink your decision that this money was never meant for use to pay some of Swank's liability. It certainly was never a secret and was editorialized in every daily newspaper in Montana.

Swank's 2% share of the remediation will far exceed the money allocated in HB2 and cause us financial hardship for a problem we had nothing to do with.

Sincerely,

Dean Swank, CEO
Swank Enterprises

DS/cgc